

testimony was stricken out.' We regard as of no substance the appellants' contention that the Court referred to 'the testimony' rather than the prosecution's questioning as to such fines. Indeed that was the very language in which the defense request was framed. Moreover, the defense had requested merely that 'this testimony' should be disregarded as to the individual defendant, but the Court struck it out for all purposes.

"We find no prejudicial error in the Government's interrogation of the defense character witnesses.

"Nor do we find error in the specificity with which the prosecution's questions as to the departmental fines were put. The questions asked of the witness Ludwig were in the conventional general form. Those put to the witness Sofoul, all of which elicited negative answers, were within the bounds held proper in *Michelson, supra*. Moreover, even under the so-called Illinois Rule, which Michelson declined to follow, the questions to Sofoul would not be improper since they related to infractions similar in nature to those for which the defendants were on trial. See *Michelson supra*, footnote 4 at pages 473-474.

"The remaining points raised by the appellants which relate to their being suspect of having mixed oleomargarine with butter; to the use by some of the Government witnesses of their investigation notes as an aid in testifying; to the proffer of certain affidavits in connection with the testimony of two witnesses who were called on transactions involved in the charges under the first and second Counts of the information, on which the defendants were acquitted; to the examination of Inspector North; and to the prosecution's summation, we deem all too trivial to warrant discussion. The defendants had a fair trial, and in our opinion the jury's verdict could hardly have been otherwise.

"Affirmed."

**22311. Butter.** (F. D. C. No. 37234. S. Nos. 58-758 L, 65-989 L.)

INFORMATION FILED: 3-18-55, Dist. Nebr., against Fairmont Foods Co., a corporation, Omaha, Nebr.

SHIPPED: 8-6-54, from Nebraska into Illinois.

CHARGE: 402 (a) (3)—contained a decomposed substance by reason of the use of decomposed cream in the manufacture of the article.

PLEA: Nolo contendere.

DISPOSITION: 5-26-55. \$250 fine, plus costs.

**CHEESE**

**22312. Cheddar cheese.** (F. D. C. No. 37233. S. No. 88-040 L.)

INDICTMENT RETURNED: 5-3-55, S. Dist. Ill., against Louis Alleman, t/a Aledo Cheese Co., Aledo, Ill.

SHIPPED: 9-17-54, from Illinois to Pennsylvania.

LABEL IN PART: (Carton) "Illinois Cheddar Cheese Made from Pasteurized Milk Approved Plant #581."

CHARGE: 402 (a) (3)—contained insect fragments, manure, and feather fragments, and was prepared from filth-contaminated milk; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-28-55. \$2,500 fine, plus costs.

**22313. Cheddar cheese.** (F. D. C. No. 36002. S. Nos. 83-367/8 L, 83-866 L.)

QUANTITY: 80 70-lb. boxes and 40 75-lb. cheeses at Monroe, Wis.

SHIPPED: 9-22-53 and 9-25-53, from Cissna Park, Ill., by Cissna Park Cheese Co.